

Smith, 29 Md. 400; Northern Central R. R. Co. *v.* State, use Price, 29 Md. 420; B. & O. R. R. Co. *v.* State, use Miller, 29 Md. 252; State, use Coughlan, *v.* B. & O. R. R. Co., 24 Md. 84.

For cases to which this section was held to have no application because of a failure to prove that the defendant had been negligent, see Northern Central Ry. Co. *v.* Medairy, 86 Md. 168; State, use Brady *v.* Consolidated Gas Co., 85 Md. 637; B. & O. R. R. Co. *v.* State, use Good, 75 Md. 526; B. & O. R. R. Co. *v.* State, use Savington, 71 Md. 590; State, use Janney, *v.* Housekeeper, 70 Md. 162; B. & O. R. R. Co. *v.* State, use Allison, 62 Md. 479; State, use Barnard, *v.* Philadelphia, etc., R. R. Co., 60 Md. 555; State, use Miller, *v.* B. & O. R. R. Co., 58 Md. 221; State, use Hamelin, *v.* Malster, 57 Md. 287; Northern Central Ry. Co. *v.* State, use Burns, 54 Md. 113; State, use Foy, *v.* Philadelphia, etc., R. R. Co., 47 Md. 76.

Cited but not construed in State, use Black, *v.* B. & O. R. R. Co., 36 Fed. 655.

See notes to sec. 2.

For the statute regulating the survival of causes of action to personal representatives, see art. 93, sec. 104.

As to precautions required of railroad companies, see art. 23, sections 280, 303, 314, 323, 325 and 331, *et seq.*

As to the investigation of accidents by the public service commission, see art. 23, sec. 434.

For a form of declaration in a suit for personal injuries caused by negligence, see art. 75, sec. 24, sub-sections 36 and 37.

1904, art. 67, sec. 2. 1888, art. 67, sec. 2. 1860, art. 65, sec. 2.  
1852, ch. 299, sec. 2.

2. Every such action shall be for the benefit of the wife, husband, parent and child of the person whose death shall have been so caused and shall be brought by and in the name of the State of Maryland for the use of the person entitled to damages; and in every such action the jury may give such damages as they may think proportioned to the injury resulting from such death to the parties respectively for whom and for whose benefit such action shall be brought, and the amount so recovered, after deducting the costs not recovered from the defendant, shall be divided amongst the above-mentioned parties, in such shares as the jury by their verdict shall find and direct; provided, that not more than one action shall lie for and in respect of the same subject-matter of complaint; and that every such action shall be commenced within twelve calendar months after the death of the deceased person.

### Damages.

The equitable plaintiffs are to be compensated for their *pecuniary* loss only. Tucker *v.* State, use Johnson, 89 Md. 471; Baltimore, etc., Turnpike *v.* State, use Grimes, 71 Md. 582; Agricultural, etc., Assn. *v.* State, use Carty, 71 Md. 100; B. & O. R. R. Co. *v.* State, use Mahone, 63 Md. 135; State, use Coughlan, *v.* B. & O. R. R. Co., 24 Md. 105; B. & O. R. R. Co. *v.* State, use Kelly, 24 Md. 281.

The damages recoverable under this section, distinguished from those recoverable in a suit by the personal representative of the deceased, under article 93, section 104. Stewart *v.* United, etc., Co., 104 Md. 339. See also, State, use Allen, *v.* Pittsburg, etc., R. R. Co., 45 Md. 47.

Punitive damages can not be recovered under this article. When the plaintiff will not be restricted to nominal damages. B. & O. R. R. Co. *v.* State, use Kelly, 24 Md. 280.

The fact that a husband has been separated for 12 years preceding his death, from his family, and has contributed nothing to their support, does not limit the plaintiffs to nominal damages. The right of support continues until the death of the husband. Admissibility of evidence. B. & O. R. R. Co. *v.* State, use Chambers, 81 Md. 388.